

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA, : Case Nos. 3:11-cr-15  
 : 3:14-cv-53  
Plaintiff, :  
vs. : Judge Timothy S. Black  
 : Magistrate Judge Michael R. Merz  
JAKOVA K. JAMES-SIMS, :  
Defendant. :  
:

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND  
RECOMMENDATIONS OF THE MAGISTRATE JUDGE (Doc. 68) IN ITS  
ENTIRETY; (2) DISMISSING DEFENDANT'S MOTION TO VACATE (Doc. 67)  
WITH PREJUDICE; (3) DENYING A CERTIFICATE OF APPEALIBILITY;  
AND (4) CERTIFYING THAT AN APPEAL WOULD BE OBJECTIVELY  
FRIVOLOUS AND DENYING LEAVE TO APPEAL IN FORMA PAUPERIS**

This case is before the Court on the Report and Recommendations of United States Magistrate Judge Michael R. Merz. (Doc. 68). The Magistrate Judge recommends that Defendant's Motion to Vacate (Doc. 67) be dismissed with prejudice, that Defendant be denied a certificate of appealability and that the Court certify that an appeal would be objectively frivolous. Defendant did not file any objections to the Report and Recommendations of the Magistrate Judge and the time for doing so has expired. Accordingly, the issues are ripe for decision by the Court.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered the issues presented *de novo*. Based on that review, the Court: (1) **ADOPTS** the Report and

Recommendations of the Magistrate Judge (Doc. 68) in its entirety; (2) **DISMISSES** Defendant's Motion to Vacate (Doc. 67 ) **WITH PREJUDICE**; (3) **DENIES** Defendant any requested certificate of appealability; and (4) **CERTIFIES** that an appeal would be objectively frivolous and, therefore, **DENIES** Defendant leave to appeal *in forma pauperis*. This case should be closed on the Court's docket.

**IT IS SO ORDERED.**

Date: 5/22/2014

Timothy S. Black  
Timothy S. Black  
United States District Judge